

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)	
)	
vs.)	No. 2:16CR20437-003
)	
MILLICENT TRAYLOR,)	
)	
Defendant.)	

ORDER

On October 30, 2019, the United States Court of Appeals reversed and remanded defendant Millicent Traylor's case for resentencing. After appointment of counsel to represent Traylor, this Court initially scheduled Traylor's resentencing hearing for May 4, 2020. (Minute Entry 1/14/20) After scheduling that date, the country suffered an outbreak of the Coronavirus Disease that emerged in 2019, known as COVID-19. On April 10, 2020, this Court issued Administrative Order 20-AO-027, finding in part that felony sentencing hearings could not be conducted in person without seriously jeopardizing public health and safety. But the Administrative Order allows proceedings via video teleconferencing ("VTC") if 1) the defendant, after consultation with counsel, consents to the use of VTC; and 2) the presiding judge finds that the proceedings

cannot be further delayed without serious harm to the interests of justice.

See 20-AO-027 at 2.

On May 18, 2020, Traylor, through counsel, filed a statement consenting to her appearance via VTC at a resentencing hearing currently scheduled for May 20, 2020. (Doc 308) Traylor's signed statement represents that she has consulted with counsel before signing the statement and that she understands that she has the right to insist on being physically present for a resentencing hearing. (Doc 308) The Court finds that this statement satisfies the first requirement of 20-AO-027 – i.e., that the defendant, after consultation with counsel, consents to the use of VTC.

As for the second requirement of 20-AO-027, the Court, as the presiding judge in this case, finds that the proceedings cannot be further delayed without serious harm to the interests of justice. COVID-19 continues its course, and its future impact on judicial proceedings remains uncertain. Right now, 20-AO-027 contemplates an expiration date of July 2, 2020, although the order may be extended fully or partially. *See* 20-AO-027 at 3. The Administrative Order itself details the numerous and extraordinary disruptions on the Court's business. *Id.* at

1-2. Traylor's health problems – while now insufficient to grant a motion for compassionate release (Doc 301) – could make it difficult for her safe transport to the Eastern District of Michigan and thus result in an indefinite delay of her resentencing hearing.

Thus, pursuant to Administrative Order 20-AO-027, Traylor, after consultation with counsel, consents to the use of VTC for her May 21, 2020, resentencing hearing, and the Court finds that these proceedings cannot be further delayed without serious harm to the interests of justice.

/s/ Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 20, 2020